

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

SHERMAINE CARROLL,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:20-cv-01953-DJA

## ORDER

This matter is before the Court on Plaintiff Shermaine Carroll's Motion/Application to proceed *in forma pauperis* submitted on October 21, 2020. (ECF No. 1). The application has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly, the application to proceed *in forma pauperis* will be granted pursuant to § 1915. The Court will now review Plaintiff's complaint.

When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen the complaint. *See* 28 U.S.C. § 1915(e). With respect to social security appeals specifically, judges in this District have outlined some basic requirements for complaints to satisfy the Court's screening. First, the complaint must establish that administrative remedies were exhausted pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after notice of a final decision. Second, the complaint must indicate the judicial district in which the plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when the plaintiff claims to have become disabled. Fourth, the complaint must contain a plain, short, and concise statement identifying the nature of the plaintiff's disagreement with the determination made by the Social Security Administration and show that the plaintiff is entitled to relief. *See, e.g., Graves v. Colvin*, 2015 WL 357121, \*2 (D. Nev. Jan. 26, 2015) (collecting cases).

28

1           The Court has reviewed Plaintiff's Complaint (ECF No 1-1) and finds that the requisite  
2 elements outlined above have been adequately pled to survive screening and proceed with the  
3 case.

4           **IT IS THEREFORE ORDERED** that Plaintiff's request to proceed *in forma pauperis*  
5 (ECF No. 1) is **GRANTED** with the caveat that the fees shall be paid if recovery is made. At this  
6 time, Plaintiff shall not be required to pre-pay the filing fee.

7           **IT IS FURTHER ORDERED** that Plaintiff is permitted to maintain this action to  
8 conclusion without the necessity of prepayment of any additional fees or costs or the giving of a  
9 security therefor. The Order granting leave to proceed *in forma pauperis* shall not extend to the  
10 issuance of subpoenas at government expense.

11           **IT IS FURTHER ORDERED** that the Clerk of Court shall file the Complaint (ECF No  
12 1-1).

13           **IT IS FURTHER ORDERED** that the Clerk of Court shall serve the Commissioner of  
14 the Social Security Administration by sending a copy of the summons and Complaint by certified  
15 mail to: (1) Office of Regional Chief Counsel, Region IX, Social Security Administration, 160  
16 Spear St., Suite 899, San Francisco, California 94105-1545; and (2) the Attorney General of the  
17 United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Room 4400, Washington,  
18 D.C. 20530.

19           **IT IS FURTHER ORDERED** that the Clerk of Court shall issue summons to the United  
20 States Attorney for the District of Nevada and deliver the summons and Complaint to the U.S.  
21 Marshal for service.

22           **IT IS FURTHER ORDERED** that from this point forward, Plaintiff shall serve upon  
23 Defendant or, if appearance has been entered by counsel, upon the attorney, a copy of every  
24 pleading, motion or other document submitted for consideration by the court. Plaintiff shall  
25 include with the original paper submitted for filing a certificate stating the date that a true and  
26 correct copy of the document was personally served or sent by mail to the defendants or counsel  
27 for the defendants. The court may disregard any paper received by a judge which has not been  
28

1 filed with the Clerk, and any paper received by a judge or the Clerk which fails to include a  
2 certificate of service.

3

4 DATED: November 2, 2020

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

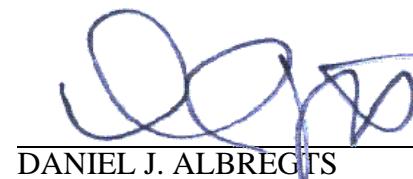
24

25

26

27

28



---

DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE